

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ASHINA HICKS,)	
)	
Plaintiff,)	Case No. 07 C 6676
)	
v.)	Judge Darrah
)	
P.O. JAMES TYSZKO #70 and P.O. MIKOS #61, individually)	Magistrate Judge Cox
)	
Defendants.)	Jury Demand

PLAINTIFF'S FIRST AMENDED COMPLAINT AT LAW

NOW COMES the Plaintiff, ASHINA HICKS, by and through her attorneys,
GREGORY E. KULIS & ASSOCIATES, and complaining against the Defendants, P.O.
JAMES TYSZKO #70 and P.O. MIKOS #61, individually, as follows:

COUNT I-EXCESSIVE FORCE

1. This action is brought pursuant to the Laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff, and accomplished by acts and/or omissions of the Defendants.
2. Jurisdiction is based on Title 28 U.S.C. §1331 and §1343.
3. The Plaintiff, ASHINA HICKS, at all relevant times, was a United States citizen and permanent resident of the State of Illinois.
4. The Defendants, P.O. JAMES TYSZKO AND P.O. MIKOS, was, at all relevant times, duly appointed officer of the Alsip Police Department and at all relevant times, acting within their scope of employment and under color of law.

5. On or about February 10, 2007, the Plaintiff was driving behind her cousin when her cousin was stopped for an alleged traffic violation.

6. The plaintiff stopped her vehicle but then intended to leave.

7. The plaintiff drove away but was then cut-off by Officer Tyszko.

8. P.O. Tyszko ran over and pulled the plaintiff from the vehicle without just cause or provocation. Officer Tyszko threw the plaintiff to the ground.

9. The Plaintiff, ASHINA KICKS, was not committing a crime or breaking any laws.

10. The plaintiff complained and asked that he stop his use of force.

11. Officer Tyszko and Officer Mikos put guns to her and placed their knees in her back.

12. The Plaintiff questioned the Defendants as to why she was being stopped and the manner she was being treated.

13. The handcuffs were placed on too tight despite her complaints.

14. The Plaintiff was injured and required medical care.

15. The Plaintiff did nothing to provoke these actions.

16. The force used by Defendants P.O. JAMES TYSZKO AND P.O. MIKOS was unprovoked, unnecessary and excessive.

17. The actions of Defendants P.O. JAMES TYSZKO AND P.O. MIKOS were done intentionally and with malice.

18. Due to the actions of the Defendants, P.O. JAMES TYSZKO AND P.O. MIKOS, the Plaintiff, ASHINA HICKS, was injured.

19. The actions of Defendants P.O. JAMES TYSZKO AND P.O. MIKOS violated the Plaintiff, ASHINA HICKS, Fourth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

20. As a direct and proximate consequence of said conduct of the Defendants, P.O. JAMES TYSZKO AND P.O. MIKOS, Plaintiff, ASHINA HICKS, suffered a violation of her constitutional rights, emotional anxiety, fear, extreme pain and suffering as well as future suffering and permanency.

WHEREFORE, the Plaintiff, ASHINA HICKS, prays for judgment in her favor and against Defendants, P.O. JAMES TYSZKO AND P.O. MIKOS, in an amount in excess of THIRTY THOUSAND AND 00/100 (\$30,000.00) DOLLARS compensatory damages and TWENTY THOUSAND AND 00/100 (\$20,000.00) DOLLARS punitive damages, plus attorney's fees and costs.

COUNT II-FALSE ARREST

1-15. The Plaintiff realleges and incorporates her allegations of Paragraph 1-14 of Count I as her respective allegations of paragraph 1-15 of Count II as though fully set forth herein.

16. Defendants officers thereafter arrested the plaintiff.

17. The Plaintiff was not committing a crime or breaking any laws.

18. There was no probable cause to arrest the Plaintiff or take her into custody.

19. The actions of Defendants P.O. JAMES TYSZKO AND P.O. MIKOS were intentional, willful and wanton.

20. The actions of Defendants P.O. JAMES TYSZKO AND P.O. MIKOS violated the Plaintiff, ASHINA HICKS', Fourth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C §1983.

21. As a direct and proximate consequence of said conduct of Defendants P.O. JAMES TYSZKO AND P.O. MIKOS, Plaintiff ASHINA HICKS suffered a violation of her constitutional rights, emotional anxiety, fear, extreme pain and suffering, as well as future suffering and permanency.

WHEREFORE, the Plaintiff, ASHINA HICKS, prays for judgment in her favor and against Defendants, P.O. JAMES TYSZKO AND P.O. MIKOS, in an amount in excess of TWENTY THOUSAND AND 00/100 DOLLARS compensatory damages and TEN THOUSAND AND 00/100 DOLLARS punitive damages, plus attorney's fees and costs.

COUNT III-MALICIOUS PROSECUTION

1-16. The Plaintiff hereby realizes and incorporates her allegations of paragraphs 3-18 of Count II as her respective allegations of paragraphs 1-16 of Count III as though fully set forth herein..

17. The defendants proceeded with these criminal allegations despite knowing they were false.

18. The actions of the defendant were intentional, willful and wanton.

19. This matter went to trial and was resolved in the favor of the plaintiff.

20. As a result of the actions of the defendants the plaintiff suffered emotional distress, fear, anxiety and monetary expense.

WHEREFORE, the Plaintiff, ASHINA HICKS, prays for judgment against the Defendants, , P.O. JAMES TYSZKO AND P.O. MIKOS, jointly and severally, in an amount in excess of TWENTY THOUSAND AND 00/100 (\$20,000.00) DOLLARS in compensatory damages and TEN THOUSAND AND 00/100 \$10,000.00) DOLLARS in punitive damages, plus attorneys' fees and costs.

JURY DEMAND

The Plaintiff, ASHINA HICKS, requests trial by jury.

Respectfully submitted,

ASHINA HICKS

/s/ Ronak Patel

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